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HOUSE BILL 1137

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By Representatives Morrell, Orcutt, Cody, McDonald, Green, Campbell, Clibborn, Schindler, Kagi, Woods, Hunt, Miloscia, Linville, Lantz, Moeller, Williams, Wallace and Kenney

Read first time 01/17/2005. Referred to Committee on Health Care.

1 AN ACT Relating to physical therapy; amending RCW 18.74.005,  
2 18.74.010, and 18.74.012; and adding new sections to chapter 18.74 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 18.74.005 and 1983 c 116 s 1 are each amended to read  
5 as follows:

6 ~~((In order to safeguard the public safety and welfare, to protect  
7 the public from being misled by incompetent, unethical, and  
8 unauthorized persons, and to assure the highest degree of professional  
9 conduct and competency, it is))~~ The purpose of this chapter ((to  
10 strengthen existing regulation of persons offering physical therapy  
11 services to the public)) is to protect the public health, safety, and  
12 welfare, and to provide for state administrative control, supervision,  
13 licensure, and regulation of the practice of physical therapy. It is  
14 the intent of the legislature that only individuals who meet and  
15 maintain prescribed standards of competence and conduct be allowed to  
16 engage in the practice of physical therapy as defined and authorized by  
17 this chapter.

1       **Sec. 2.** RCW 18.74.010 and 1997 c 275 s 8 are each amended to read  
2 as follows:

3       (~~Unless the context otherwise requires,~~) The definitions in this  
4 section apply throughout this chapter unless the context clearly  
5 requires otherwise.

6       (1) "Board" means the board of physical therapy created by RCW  
7 18.74.020.

8       (2) "Department" means the department of health.

9       (3) "Physical therapy" means the (~~treatment of any bodily or~~  
10 ~~mental condition of any person by the use of the physical, chemical,~~  
11 ~~and other properties of heat, cold, air, light, water, electricity,~~  
12 ~~sound, massage, and therapeutic exercise, which includes posture and~~  
13 ~~rehabilitation procedures; the performance of tests and measurements of~~  
14 ~~neuromuscular function as an aid to the diagnosis or treatment of any~~  
15 ~~human condition; performance of treatments on the basis of test~~  
16 ~~findings after consultation with and periodic review by an authorized~~  
17 ~~health care practitioner except as provided in RCW 18.74.012;~~  
18 ~~supervision of selective forms of treatment by trained supportive~~  
19 ~~personnel; and provision of consultative services for health,~~  
20 ~~education, and community agencies. The use of Roentgen rays and radium~~  
21 ~~for diagnostic and therapeutic purposes, the use of electricity for~~  
22 ~~surgical purposes, including cauterization, and the use of spinal~~  
23 ~~manipulation or manipulative mobilization of the spine and its~~  
24 ~~immediate articulations, are not included under the term "physical~~  
25 ~~therapy" as used in this chapter)) care and services provided by or  
26 under the direction and supervision of a physical therapist licensed by  
27 the state. The use of Roentgen rays and radium for diagnostic and  
28 therapeutic purposes, the use of electricity for surgical purposes,  
29 including cauterization, and the use of spinal manipulation, or  
30 manipulative mobilization of the spine and its immediate articulations,  
31 are not included under the term "physical therapy" as used in this  
32 chapter.~~

33       (4) "Physical therapist" means a person who (~~practices physical~~  
34 ~~therapy as defined in this chapter but does not include massage~~  
35 ~~operators as defined in RCW 18.108.010)) meets all the requirements of  
36 this chapter and is licensed in this state to practice physical  
37 therapy.~~

38       (5) "Secretary" means the secretary of health.

1 (6) Words importing the masculine gender may be applied to females.

2 (7) "Authorized health care practitioner" means and includes  
3 licensed physicians, osteopathic physicians, chiropractors,  
4 naturopaths, podiatric physicians and surgeons, dentists, and advanced  
5 registered nurse practitioners: PROVIDED, HOWEVER, That nothing herein  
6 shall be construed as altering the scope of practice of such  
7 practitioners as defined in their respective licensure laws.

8 (8) "Practice of physical therapy" is based on movement science and  
9 means:

10 (a) Examining, evaluating, and testing individuals with mechanical,  
11 physiological, and developmental impairments, functional limitations in  
12 movement, and disability or other health and movement-related  
13 conditions in order to determine a diagnosis, prognosis, plan of  
14 therapeutic intervention, and to assess and document the ongoing  
15 effects of intervention;

16 (b) Alleviating impairments and functional limitations in movement  
17 by designing, implementing, and modifying therapeutic interventions  
18 that include therapeutic exercise; functional training related to  
19 balance, posture, and movement to facilitate self-care and  
20 reintegration into home, community, or work; manual therapy including  
21 soft tissue and joint mobilization and manipulation; therapeutic  
22 massage; assistive, adaptive, protective, and devices related to  
23 postural control and mobility except as restricted by (c) of this  
24 subsection; airway clearance techniques; physical agents or modalities;  
25 mechanical and electrotherapeutic modalities; and patient-related  
26 instruction;

27 (c) Training for, and the evaluation of, the function of a patient  
28 wearing an orthosis or prosthesis as defined in RCW 18.200.010.  
29 Physical therapists may cast in preparation for molding for orthoses  
30 and provide those direct-formed and prefabricated upper limb, knee, and  
31 ankle-foot orthoses, but not fracture orthoses except those for hand,  
32 wrist, ankle, and foot fractures, and assistive technology devices  
33 specified in RCW 18.200.010 as exemptions from the defined scope of  
34 licensed orthotic and prosthetic services. It is the intent of the  
35 legislature that the unregulated devices specified in RCW 18.200.010  
36 are in the public domain to the extent that they may be provided in  
37 common with individuals or other health providers, whether unregulated

1 or regulated under Title 18 RCW, without regard to any scope of  
2 practice;

3 (d) Performing wound care services that is limited to sharp  
4 debridement, debridement with other agents, dry dressings, wet  
5 dressings, topical agents including enzymes, hydrotherapy, electrical  
6 stimulation, ultrasound, and other similar treatments. Physical  
7 therapists may not delegate sharp debridement. A physical therapist  
8 may perform wound care services only by referral from or after  
9 consultation with an authorized health care practitioner;

10 (e) Reducing the risk of injury, impairment, functional limitation,  
11 and disability related to movement, including the promotion and  
12 maintenance of fitness, health, and quality of life in all age  
13 populations; and

14 (f) Engaging in administration, consultation, education, and  
15 research.

16 (9)(a) "Physical therapist assistant" means a person who has  
17 successfully completed a board-approved physical therapist assistant  
18 program.

19 (b) "Physical therapy aide" means a person who is involved in  
20 direct physical therapy patient care who does not meet the definition  
21 of a physical therapist or physical therapist assistant and receives  
22 ongoing on-the-job training.

23 (c) "Other assistive personnel" means other trained or educated  
24 health care personnel, not defined in (a) or (b) of this subsection,  
25 who perform specific designated tasks related to physical therapy under  
26 the supervision of a physical therapist. At the direction of the  
27 supervising physical therapist, and if properly credentialed and not  
28 prohibited by any other law, other assistive personnel may be  
29 identified by the title specific to their training or education.

30 (10) "On-site supervision" means the supervising physical therapist  
31 must (a) be continuously on-site and present in the department or  
32 facility where assistive personnel or holders of interim permits are  
33 performing services; (b) be immediately available to assist the person  
34 being supervised in the services being performed; and (c) maintain  
35 continued involvement in appropriate aspects of each treatment session  
36 in which a component of treatment is delegated to assistive personnel.

37 (11) "Sharp debridement" means the removal of devitalized tissue

1 from a wound with scissors, scalpel, and tweezers without anesthesia.  
2 "Sharp debridement" does not mean surgical debridement.

3 **Sec. 3.** RCW 18.74.012 and 2000 c 171 s 24 are each amended to read  
4 as follows:

5 ~~((Notwithstanding the provisions of RCW 18.74.010(3),))~~ A  
6 consultation and periodic review by an authorized health care  
7 practitioner is not required for treatment of neuromuscular or  
8 musculoskeletal conditions(~~(: PROVIDED, That a physical therapist may  
9 only provide treatment utilizing orthoses that support, align, prevent,  
10 or correct any structural problems intrinsic to the foot or ankle by  
11 referral or consultation from an authorized health care practitioner)~~)).

12 NEW SECTION. **Sec. 4.** (1) It is unlawful for any person to  
13 practice or in any manner hold himself or herself out to practice  
14 physical therapy or designate himself or herself as a physical  
15 therapist, unless he or she is licensed in accordance with this  
16 chapter.

17 (2) This chapter does not restrict persons licensed under any other  
18 law of this state from engaging in the profession or practice for which  
19 they are licensed, if they are not representing themselves to be  
20 physical therapists or providers of physical therapy.

21 (3) The following persons are exempt from licensure as physical  
22 therapists under this chapter when engaged in the following activities:

23 (a) A person who is pursuing a course of study leading to a degree  
24 as a physical therapist in an approved professional education program  
25 and is satisfying supervised clinical education requirements related to  
26 his or her physical therapy education while under on-site supervision  
27 of a licensed physical therapist;

28 (b) A physical therapist while practicing in the United States  
29 armed services, United States public health service, or veterans  
30 administration as based on requirements under federal regulations for  
31 state licensure of health care providers; and

32 (c) A physical therapist licensed in another United States  
33 jurisdiction, or a foreign-educated physical therapist credentialed in  
34 another country, performing physical therapy as part of teaching or  
35 participating in an educational seminar of no more than sixty days in  
36 a calendar year.

1        NEW SECTION.    **Sec. 5.**    (1) No person may practice or in any manner  
2 hold himself or herself out to be engaging in the practice of physical  
3 therapy or designate himself or herself as a physical therapist unless  
4 licensed as a physical therapist in accordance with this chapter.

5        (2) A physical therapist licensed under this chapter is fully  
6 authorized to practice physical therapy as defined in this chapter.

7        (3) A physical therapist shall refer persons under his or her care  
8 to appropriate health care practitioners if the physical therapist has  
9 reasonable cause to believe symptoms or conditions are present that  
10 require services beyond the scope of practice under this chapter or  
11 when physical therapy is contraindicated.

12        (4) Physical therapists shall adhere to the recognized standards of  
13 ethics of the physical therapy profession and as further established by  
14 rule.

15        (5) A physical therapist may perform and interpret  
16 electroneuromyographic examinations for the purpose of testing  
17 neuromuscular function only by referral from an authorized health care  
18 provider and only upon demonstration of further education and training  
19 in electroneuromyographic examinations as established by rule.  
20 Physical therapists who perform and interpret electroneuromyographic  
21 examinations prior to the effective date of this section may continue  
22 to do so until rules are established.        The performance and  
23 interpretation of an electroneuromyographic examination by a physical  
24 therapist does not constitute a diagnosis of a medical condition.

25        (6) A physical therapist licensed under this chapter may purchase,  
26 store, and administer medications such as hydrocortisone, fluocinonide,  
27 topical anesthetics, silver sulfadiazine, lidocaine, magnesium sulfate,  
28 zinc oxide, and other similar medications, and may administer such  
29 other drugs or medications as prescribed by an authorized health care  
30 provider. A pharmacist who dispenses such drugs to a licensed physical  
31 therapist is not liable for any adverse reactions caused by any method  
32 of use by the physical therapist.

33        NEW SECTION.    **Sec. 6.**    (1) Physical therapists are responsible for  
34 patient care given by assistive personnel under their supervision. A  
35 physical therapist may delegate to assistive personnel and supervise  
36 selected acts, tasks, or procedures that fall within the scope of

1 physical therapy practice but do not exceed the education or training  
2 of the assistive personnel.

3 (2) Nothing in this chapter may be construed to prohibit other  
4 licensed health care providers from using the services of physical  
5 therapist assistants, physical therapist aides, or other assistive  
6 personnel as long as the licensed health care provider is responsible  
7 for the activities of such assistants, aides, and other personnel and  
8 provides appropriate supervision.

9 NEW SECTION. **Sec. 7.** Sections 4 through 6 of this act are each  
10 added to chapter 18.74 RCW.

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